IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil application No. 130 of 2006
in
C. P. No. 103 of 2006

Medha V. Angal ... Petitioner
vs.
Ashok Atmaram Panchabhai & ors. ... Respondents

M.D. Angal for petitioner
D. P. Adsule GP for respondent no. 3.

CORAM: D. G. KARNIK **J.**

DATE: 20th September 2006

P.C.:

1. Heard learned counsel for the petitioner .

2. When this contempt petition came up before this court on 3rd July 2006 Mr. Angal for the petitioner submitted that the respondent no.1 and is avoiding service. Though respondent no.1 was represented before the court by an advocate, the advocate has reported no instructions. After hearing learned counsel for the petitioner this court (Coram: Khanwilkar J.) ordered issuance of a bailable warrant against respondent no.1. Bailable warrant issued has been returned unserved. By an order dated 23rd August 2006 the petitioner was directed

to furnish correct address of the respondent no.1. Today Mr.Angal states that the respondent no.1 resides on the same address which is given in the contempt petition but is avoiding service. He further states that in his evidence in Special Civil Suit No. 44 of 2005 the respondent has averred that he is residing at Block No. 502, Kailash Apartments, Ghanshyam Nagar, Bhuj. It thus appears that the respondent no.1 is avoiding even service of bailable warrant issued against him. In these circumstances the civil application for issuance of non- bailable warrant deserves to be allowed. Accordingly the civil application is allowed in terms of prayer clause (a).

3. Contempt petition is adjourned to 8th November 2006.

(D.G. KARNIK J.)